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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
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Item 4 of the provisional agenda*
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the combined fourth and fifth periodic reports of Lebanon

Constitutional and legislative framework

1. Please indicate whether the State party is taking steps to amend its Constitution and/or to adopt legislation prohibiting discrimination against women and guaranteeing equality on the basis of sex, in line with articles 1 and 2 (a) of the Convention (see CEDAW/C/LBN/4-5, paras. 2 and 4).[1] Please provide information on the inclusion of any constitutional guarantees envisaged to allow laws that are incompatible with the State party's Constitution and international obligations to be challenged.

2. It is indicated that some discriminatory provisions, such as article 562 of the Penal Code and provisions in the Income Tax Law, have been amended since 2010 (paras. 8.1 and 8.4.2). Please provide updated information on progress in amending other discriminatory provisions of the Penal Code, such as to criminalize marital rape. Please also provide information on progress in amending discriminatory provisions of the Social Security Law, in particular articles 14 (c), 46 (c) and 47 on social security benefits (paras. 182, 186.1 and 203.4), and of the Commerce Law, in particular articles 625 and 685 on property rights in cases of bankruptcy (para. 182.2).

Women refugees and asylum seekers

3. Please indicate the regulations in force for Syrian and Palestinian refugees from the Syrian Arab Republic seeking to enter the State party and provide updated

* CEDAW/C/62/1.

[1] Unless otherwise indicated, paragraph numbers refer to the combined fourth and fifth periodic reports of Lebanon.

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data, disaggregated by sex, on how many such refugees are in the State party. Please provide information on measures in place to protect refugee and asylum-seeking women and girls from gender-based violence, including sexual violence, and to protect refugee girls from child and forced marriage, which is often imposed by their families in the belief that doing so will protect them. Please also indicate which type of support services are provided for women and girls who are victims of violence, such as accommodation, medical and psychological services and access to justice. Please also provide information on measures in place to ensure that the principle of non-refoulement is upheld for women and girls in need of international protection and indicate whether there are plans to establish a clear gender-sensitive legal framework for asylum seekers and refugees that explicitly includes gender-related claims as grounds for asylum. Please provide updated information on the situation of Palestinian refugees in Lebanon, especially women, and on steps taken to ensure that they are able to fully exercise their rights, in particular to move about freely and to work.

Access to justice

4. Information is provided on several judicial decisions aimed at protecting the human rights of women (paras. 14-17.5). Please provide information on obstacles faced by women, including disadvantaged groups of women, to gaining access to justice in the State party. Does the State party ensure that women are not discriminated against by criminal, civil and religious courts? If so, how? Please provide information on measures in place to ensure that women have effective access to justice and reparations, in particular in cases of domestic violence (para. 66.2.5), and indicate whether the State party is considering establishing a State-sponsored legal aid programme. Please provide updated information on the establishment of a national human rights commission (paras. 12.2, 12.3 and 31).

National machinery for the advancement of women

5. Please provide information on the role of the National Commission for Lebanese Women in the implementation of the National Strategy for Women in Lebanon for the period 2011-2021 (paras. 32.1 and 109.1). Please indicate whether the organization has been provided with the authority, decision-making power and human and financial resources necessary to fulfil its mandate as the national machinery for the advancement of women, as was previously recommended by the Committee (see CEDAW/C/LBN/CO/3, para. 21). Please provide detailed information on the mandate of the gender focal points (paras. 24.2 and 186). Has a system of collaboration between the gender focal points and the national machinery been established, as was previously recommended by the Committee (see CEDAW/C/LBN/CO/3, para. 21)? Please also clarify the role and mandate of the Department of Women's Affairs of the Ministry of Social Affairs vis-à-vis the national machinery (para. 66.2.8). How do the two bodies coordinate?

Temporary special measures

6. Please provide detailed information on temporary special measures in place, such as quotas, benchmarks, targets and incentives, to accelerate de facto equality between men and women in all areas covered by the Convention, in particular in political and public life, education and employment.

Stereotypes

7. Mention is made of the coexistence among certain sectors of Lebanese society of a stereotyped image of women as mainly being child bearers alongside an increasing awareness among young Lebanese women of their human rights, demands by them for gender equality and initiatives undertaken by women's organizations to combat gender stereotypes (paras. 47-47.2). No mention is made, however, of the measures taken by the State party, in line with article 5 of the Convention, to modify deeply entrenched patriarchal attitudes that exacerbate the subordinate role of women in the family and in society. Please provide information in this regard.

Violence against women

8. It is indicated that at least one woman is killed in the State party every month as a result of persistent and escalating domestic violence (para. 63). Please provide data on the number of cases reported from 2010 to 2014, including the number of convictions and sentences imposed. Please provide information on measures taken by the State party to effectively prevent domestic violence and gender-related killings, including femicide and crimes committed in the name of so-called honour. Please provide more detailed information about the shelters available to women who are victims of violence, in particular the regulations relating to their management and their collaboration with the authorities (para. 66.3.3).

9. Please clarify whether the bill to protect women from domestic violence has been adopted (paras. 11, 23.2, 66.1 and 156). Please also specify whether it has been revised to ensure that it includes a definition of violence that covers all forms of violence against women, including marital rape and crimes committed in the name of so-called honour. What type of protective measures are envisaged therein?

Trafficking and exploitation of prostitution

10. A number of legal lacunae in the anti-trafficking legislation (Law No. 164/2011), as well as challenges in its implementation, are highlighted (para. 86). Are there plans to amend the legislation in order to strengthen its penal and protective provisions (para. 87)? Please provide updated data, disaggregated by sex, age and nationality, on the number of victims of trafficking in the State party, indicating whether the victims were trafficked for labour or sexual exploitation purposes. Please also indicate the number of cases investigated, prosecutions pursued and sentences imposed under the current law. Please provide information on attention being paid to disadvantaged groups of women such as refugees and migrant workers.

11. Please provide information on steps taken to review the laws and related decrees, regulations and ordinances that facilitate the sexual exploitation of women, such as the artiste visa scheme. Please also indicate steps taken to stop treating women engaged in prostitution as criminals.

Participation in political and public life

12. It is indicated that the low participation of women in political and public life, including at the decision-making level, is due to the prevailing sectarian political system and a dominant patriarchal culture in the State party (para. 111). Please

provide information on measures taken to address those obstacles to the advancement of women and also to enhance the capacity of women and encourage their participation in political and public life. Please also provide information on measures taken to ensure that the personal status laws and civil law relating to name, residency area and sect do not interfere with women's rights to run in municipal or parliamentary elections (paras. 211.1-211.2). Please provide updated information on any progress to overcome the challenges mentioned in paragraphs 35 to 37 to incorporating a 30 per cent quota for women into the electoral bill. What is the status of the bill? Please also provide information on steps being taken to ensure the full implementation of the 20 per cent quota contained in the municipal electoral legislation.

Nationality

13. It is indicated that, on 14 November 2012, a ministerial committee formed to study proposals to amend the Nationality Law recommended that Lebanese women should not be granted the right to pass on their nationality to their children and foreign husbands (paras. 44 and 114.2). Please provide information on any progress with respect to amending the Nationality Law in the light of the study submitted on 4 March 2013 by the National Commission for Lebanese Women to the Presidency of the Council of Ministers (para. 114.2). Please also indicate any steps taken by the State party to withdraw its reservation to article 9 (2) of the Convention.

Education

14. It is indicated that dropping out of school is a phenomenon that emerges at the intermediate and secondary stages of schooling (para. 128.1). Please provide information on research undertaken to highlight the causative factors, in particular for girls and young women, and on measures taken to tackle the issue and retain girls in school. Please provide detailed information on the steps taken by the Centre for Educational Research and Development to actually remove gender stereotypes from schoolbooks and school curricula (para. 24.1).

15. Please provide information on steps taken to develop and implement national strategies and action plans aimed at encouraging the diversification of the educational choices of girls and boys and to curb gender segregation (paras. 129, 129.2.3 and 129.3). Please describe steps taken in collaboration with the private sector to develop a market need-based, gender-sensitive career guidance programme. Please provide information on measures taken to adopt a strategy to curb women's illiteracy (para. 137).

Employment

16. Please provide information on steps taken to provide working women with the necessary support services and to promote the concept of shared family responsibility in order to enable women to combine family and work life (para. 152). Please also indicate measures in place to facilitate women's access to the formal labour market as well as steps taken to ensure equality between women and men in employment (ibid.). Please provide information on any progress aimed at amending the Labour Law and relevant legislation to incorporate a provision prohibiting and criminalizing sexual harassment in the workplace (paras. 140.2 and 144.1).

Women domestic migrant workers

17. It is indicated that, by the end of 2012, there were 141,738 women domestic migrant workers in the State party (paras. 90.2 and 250) and that measures are in place aimed at improving the situation of those workers, such as the adoption of a standard employment contract (para. 254.1). Please provide information on measures in place to ensure that women domestic migrant workers sign the same contract in their countries of origin (issued by recruitment agencies) and in Lebanon and that the contract is in a language that they understand (para. 260). Please provide further information on steps taken to adopt legislation regulating domestic workers, including migrant domestic workers, that is in line with international human rights standards. Please comment on indications that, on 27 January 2015, the Ministry of Labour publicly rejected an initiative by the National Federation of Labour Unions to establish a domestic workers union.

18. It is acknowledged that women migrant domestic workers are subjected to violence and abuse by their employers (para. 17.5). Please comment on information received indicating that they do not file complaints against their employers owing to fear of countercharges and detention, restrictive visa policies and lack of judicial support. What measures are in place to prevent employers from abusing women domestic migrant workers? Please provide information on specific steps taken by the State party to ensure that women domestic migrant workers are aware of their rights and have access to legal aid and to effective legal recourse in criminal and civil courts (ibid.).

Health

19. Please provide information on steps taken to bridge the disparities in delivering health services to women (para. 161) and to ensure that good-quality health services, including sexual and reproductive health services, are provided to the largest possible segment of women in the State party. Please specify the medical circumstances under which abortion is allowed by national legislation and the implementation status thereof (para. 154). Please also provide an estimate of the number of unsafe abortions carried out annually in the State party (para. 168.3). Please indicate the number of women who have been held in detention and sentenced for having undergone an abortion in the State party within the reporting period, including information on the length of such detention (para. 154).

Marriage and family relations

20. The State party acknowledges that the plurality of legal systems regulating marriage and family relations discriminate against women and that the degree of discrimination varies according to the applicable legal system, which depends on one's sect (para. 210). It also indicates that discrimination in marriage and family relations has a negative impact on women's other human rights, owing to the prevalence of deeply patriarchal attitudes in the State party (para. 211). Please provide updated information on the status of the bill presented by the Minister of Justice in January 2014 to introduce and regulate optional civil marriage (para. 208.1). Please indicate whether the joint parliamentary committee has analysed the proposal for a civil personal status code, submitted to it on 18 March 2011 (para. 203.2). What other efforts are envisaged to ensure that Lebanese women and men who belong to any sect are able to conclude a civil marriage in the State party?

Please indicate steps taken by the State party to withdraw its reservation to article 16 (1) (c), (d), (f) and (g) of the Convention.

21. Data are provided on the prevalence of child marriage in the State party (para. 194.3). Please provide information on measures taken to eliminate that harmful practice.

Optional Protocol and amendment to article 20 (1) of the Convention

22. It is indicated in the report of the Working Group on the Universal Periodic Review that the State party did not support a recommendation that it ratify, among others, the Optional Protocol to the Convention (A/HRC/16/18, para. 82.1). Please explain why the State party is not willing to accede to the Optional Protocol. Please also indicate whether any progress has been made towards accession since the first cycle of the universal periodic review, in 2010. Please explain what progress has been made towards the acceptance of the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.